

United States Court of Appeals For the First Circuit

No. 21-1245

FRIEDRICH LU,

Plaintiff - Appellant,

v.

JAMES R. CLARKE; MARY REGAN; MAURA A. HENNIGAN; ROBERT L. SHEKETOFF;
JAMES L. SULTAN; CHARLES W. RANKIN; MATTHEW DIVRIS; THOMAS A. TURCO,
III; CAROL A. MICI; JOSEPH STANTON,

Defendants - Appellees.

Before

Barron, Chief Judge,
Lynch and Kayatta, Circuit Judges.

ORDER OF COURT

Entered: September 26, 2023

Appellant Friedrich Lu ("Lu") has not complied with this court's May 16, 2023, order that he pay a total of \$1,000 in sanctions for having filed a frivolous appeal. See Fed. R. App. P. 38. Nor has he made any effort to show "clearly, plainly and unmistakably that compliance is impossible." See In re Resource Technology Corp., 624 F.3d 376, 388 (7th Cir. 2010) (internal quotation marks, emphasis, and citation omitted).

Therefore, pursuant to this court's inherent power to "regulate the conduct of abusive litigants," see Cok v. Family Court of Rhode Island, 985 F.2d 32, 34 (1st Cir. 1993), we direct the Clerk to dismiss the following pending matters: Lu v. Budd et al., 1st Cir. No. 21-1647, and In re Lu, 1st Cir. 22-1324. See In re Allustiarte, 122 F.3d 1069 (Table), 1997 WL 484093, at *2 (9th Cir. 1997) (courts have inherent power to dismiss case for nonpayment of sanctions in prior case) (citation omitted). Further, until appellant provides this court with evidence that he has complied with the May 16, 2023, order in the instant matter, or demonstrates "clearly, plainly and unmistakably that compliance is impossible," In re Resource Technology Corp., 624 F.3d at 388, any future matters filed here by Lu will also be subject to dismissal. See Mann v. Boatright, 477

F.3d 1140, 1150 (10th Cir. 2007) (precluding pro se litigant from pursuing additional appeals until proof of compliance with previously imposed sanctions was provided).

So ordered.

By the Court:

Maria R. Hamilton, Clerk

cc:
Friedrich Lu
Joseph Patrick Lucia
Erica Morin
Charles W. Rankin
James L. Sultan